

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**CIVIL MINUTES – GENERAL**

Case No. 2:17-cv-04892-VBF-KES

Date: December 19, 2018

Title: MACK WEST JR. v. F. ULLOA, et al.

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PRESENT:

THE HONORABLE KAREN E. SCOTT, U.S. MAGISTRATE JUDGE

Jazmin Dorado  
Courtroom Clerk

Not Present  
Court Reporter

ATTORNEYS PRESENT FOR  
PLAINTIFF:  
None Present

ATTORNEYS PRESENT FOR  
DEFENDANTS:  
None Present

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**PROCEEDINGS (IN CHAMBERS):**

**Order to Show Cause to Plaintiff re  
Identification of Defendant Leavry**

On August 31, 2018, Plaintiff Mack West, Jr. (“Plaintiff”) was issued a subpoena to obtain his mental health records for the purpose of ascertaining the identity of Defendant Leavry. (Dkts. 145, 146.) The Court received no further correspondence from Plaintiff regarding the subpoena or the identification of Defendant Leavry. On November 30, 2018, the Court requested that Plaintiff, defense counsel, and the California Department of Corrections and Rehabilitation (“CDCR”) provide updates regarding the status of the subpoena. (Dkt. 159.)

On December 13, 2018, defense counsel responded that CDCR provided Plaintiff with the requested medical records. (Dkt. 162 at 2.) Defense counsel further indicated that the records do not reveal the identity of Defendant Leavry and CDCR confirms that it has no employees by the name of “Leavry.” (*Id.*) The Court has not yet received Plaintiff’s response to the November 30, 2018 order.

Because Plaintiff has had the requested records in his possession and they apparently do not reveal Defendant Leavry’s identity, IT IS THEREFORE ORDERED that, **on or before January 2, 2019**, Plaintiff shall show cause why the Court should not consider Defendant Leavry voluntarily dismissed from this action. Plaintiff shall do one of the following:

1. If Plaintiff is able to ascertain the identity of the Defendant Leavry from the medical records, then Plaintiff shall send the court a notice correcting Defendant Leavry’s name based on the records.

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2. If Plaintiff is unable to ascertain Defendant Leavry's identity from the medical records but is aware of other documents that would reveal her identity, then Plaintiff shall submit to the Court a proposed subpoena narrowly tailored to the categories of documents that Plaintiff believes would reveal Defendant Leavry's identity.
3. If Plaintiff is unable to ascertain Defendant Leavry's identity and is unaware of any other documents relevant to identifying Defendant Leavry, then Plaintiff shall notify the Court of his intent to voluntarily dismiss the claims against Defendant Leavry.

Initials of Deputy Clerk JD